

DECLARATION AND POWER OF ATTORNEY

REGULAR (UTILITY) APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

"METHODS OF ANALYSIS OF NUCLEIC ACIDS"

the specification of which:

(check one)

☒ **is attached hereto**

☐ was filed on _____ as Application Serial No.

_____, and was amended on _____.

☐ was described and claimed in PCT International Application No. _____, filed on _____ and as amended under PCT Article 19 on _____, if any.

ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations §1.56.

PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a) - (d) or §365(b) of any foreign application for patent or inventor's certificate, or under §365(a) of any PCT application which designates at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT application which designates at least one country other than the United States of America for the same subject matter and having a filing date before that of the application on which priority is claimed:

Priority Claimed

No such claim for priority is being made at this time.

Priority Not Claimed

ANY FOREIGN APPLICATION(S), ON THE SAME SUBJECT MATTER WHICH HAS A FILING DATE EARLIER THAN THE EARLIEST APPLICATION FROM WHICH PRIORITY IS CLAIMED

(Number)	(Country)	(Day/Month/Year Filed)
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CLAIM FOR BENEFIT OF PROVISIONAL APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

60/264,972	Filed 29.01.01
60/266,186	Filed 02.02.01
60/295,986	Filed 04.06.01

**CLAIM FOR BENEFIT OF EARLIER U.S. APPLICATION(S)
UNDER 35 U.S.C. 120**

(complete this part only if this is a divisional,
continuation or CIP application)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s), or under Title 35, United States Code, §365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior application(s) in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

(Serial No.)	(Filing Date)	(Status)
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(Serial No.)	(Filing Date)	(Status)
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POWER OF ATTORNEY

I hereby appoint the attorneys and agents associated with Customer No. 29748, respectively and individually, as my attorneys and agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith

Please address all communications to the address associated with Customer No. 29748, which is currently Patent Department, Torrey Mesa Research Institute, 3115 Merryfield Row, San Diego, CA 92121.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: **CHRISTOPHER A. HINKEL**

Inventor's signature _____ Date:

Residence: 1264 Agate Street, San Diego, CA 92109

Citizenship: United States of America

Post Office address: same as above

Full name of second joint inventor: **WILLIAM J. KIMMERLY**

Second inventor's signature _____ Date:

Residence: 5909 Gleam Court, Agoura Hills, CA 91301

Citizenship: United States of America

Post Office address: same as above

Full name of third joint inventor: **LI YANG**

Third inventor's signature _____ Date:

Residence: 11310 W. San Raphael, San Diego, CA 92130

Citizenship: China

Post Office address: same as above

EXPLANATION OF ACKNOWLEDGEMENT

By signing the declaration, you acknowledge your duty to disclose to the U.S. Patent and Trademark Office information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56. Material information includes any information concerning whether:

The subject matter of this application was known or used by others in the United States before your invention thereof; or

The subject matter of this application was patented or described in any printed publication in any country before your invention thereof or more than one year prior to the date of this application; or

The subject matter of this application was in public use, offered for sale or on sale in the United States more than one year prior to the filing date of this application; or

The subject matter of this application was first patented or made the subject of an inventor's certificate issued in any country foreign to the United States as an application filed by you or your representatives or assigns more than twelve months prior to the date of this application; or

Any application for patent or inventor's certificate on the subject matter of this application has been filed by your representatives or assigns in any foreign country.

In addition, you must advise us of the closest prior art (including your own patents and publications) of which you are aware so that we may bring it to the attention of the U.S. Patent and Trademark Office.

This duty to disclose material information continues after the application is filed. During the pendency of this patent application, each person substantially involved in the preparation or prosecution of this patent application, including each inventor, has a duty to disclose to the U.S. Patent and Trademark Office all known information which would be material to patentability. Failure to meet this duty can result in an unenforceable and/or invalid patent.

Any of the above information should be brought to the attention of the U.S. Patent and Trademark Office within three months of filing of this application, or within three months of acquiring such information, whichever is later. Accordingly, please promptly advise us of any of the above information, or any other information that may be material to patentability and is either presently known to you or later becomes known to you during the pendency of this application.